

Appl. No. 10/580,411
Amendment dated November 28, 2007
Reply to Office Action of August 8, 2007

REMARKS

In the August 8, 2007 Office Action, the specification (Title) was objected to and claims 1-9 and 11 stand rejected in view of prior art. On the other hand, claim 10 was indicated as containing allowable subject matter. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the August 8, 2007 Office Action, Applicants have amended the title, amended claim 1, cancelled claim 10 and added new claims 12-14 as indicated above. Thus, claims 1-9 and 11-14 are pending, with claim 1 being the only independent claim. Reexamination and reconsideration of the pending claims are respectfully requested in view of the above amendments and the following comments.

Specification

In paragraph 2 of the Office Action, the title is objected to because the original title is allegedly not descriptive. In response, Applicants have amended the title to read SCROLL FLUID MACHINE HAVING AN ADJUSTMENT MEMBER WITH A DEFORMABLE ELEMENT.

Applicants believe that the “Title of the Invention” is now adequately descriptive and complies with 37 CFR §1.71 and 37 CFR §1.75(d)(1). Accordingly, withdrawal of this objection is respectfully requested.

Rejections - 35 U.S.C. § 102

In paragraph 3 of the Office Action, claims 1, 2 and 5-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,736,621 (Barito et al.). In response, Applicants have amended independent claim 1 to include the limitations of claim 10, which was indicated as containing allowable subject matter in the August 8, 2007 Office Action. In other words, independent claim 1 now corresponds to previously indicated allowable claim 10, and claims 2 and 5-9 depend from independent claim 1. Thus, this rejection is now believed to be moot. Accordingly, withdrawal of this rejection is respectfully requested.

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Rejections - 35 U.S.C. § 103

In paragraphs 4-6 of the Office Action, claims 3, 4 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Barito et al. in view of legal precedent. In response, Applicants have amended independent claim 1 to include the limitations of claim 10, which was indicated as containing allowable subject matter in the August 8, 2007 Office Action. In other words, independent claim 1 now corresponds to previously indicated allowable claim 10, and claims 3, 4 and 11 depend from independent claim 1. Thus, this rejection is now believed to be moot. Accordingly, withdrawal of this rejection is respectfully requested.

Allowable Subject Matter

In paragraph 7 of the Office Action, claim 10 was indicated as containing allowable subject matter. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. In response, Applicants have amended independent claim 1 to include the limitations of allowable claim 10, and cancelled claim 10. Thus, independent claim 1 and its dependent claims 2-9 and 11 are now believed to be allowable.

New Claims

Applicants have added new claims 12-14 by the current Amendment. New claims 12-14 depend from independent claim 1, and thus, are believed to be allowable for the same reasons that independent claim 1 (previously indicated allowable claim 10) is allowable. Additionally, new dependent claims 12-14 include additional limitations that are believed to further distinguish the prior art of record.

Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicants believe that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-9 and 11-14 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested. If there are any questions regarding this Amendment, please feel free to contact the undersigned.

Respectfully submitted,

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